

HEARING MINUTES AND ORDER

Cause Number: CR-07-038

Style: United States of America v. Joey Herrera, et al.,

Appearances:

Counsel:

Representing:

<u>Peter Mason</u>	<u>Government</u>
<u>Thomas Bevans for Matthew Leeper</u>	<u>Defendant Joey Herrera</u>
<u>Sue Jana for Eric Sunde</u>	<u>Defendant Gabriel Ponce</u>
<u>Robert Fickman</u>	<u>Defendant Rigoberto Rodriguez</u>
<u>Ali Fazel</u>	<u>Defendant Demetrio Gonzalez</u>
<u>Candelario Elizondo</u>	<u>Defendant Jerome Bell</u>
<u>No appearance</u>	<u>Defendant Regino Garcia</u>
<u>Donald Ervin</u>	<u>Defendant Reginald Thornton</u>
<u>No appearance</u>	<u>Defendant Pedro Arizola</u>
<u>Leslie Cordova</u>	<u>Defendant David Flores</u>
<u>Kent Schaffer</u>	<u>Defendant Sergio Perez</u>
<u>R.E. Wheelan</u>	<u>Defendant Benjamin Rosales</u>
<u>Joe Hernandez</u>	<u>Defendant Jose Lopez</u>
<u>Clay Conrad</u>	<u>Defendant Rene Garza</u>
<u>David Bires</u>	<u>Defendant Robert Canseco</u>
<u>No appearance</u>	<u>Defendant Diego Cavazos</u>
<u>Mark Bennett</u>	<u>Defendant Frederick Tippet</u>

Date: July 25, 2007

ERO: Yes

Time: 2:30 p.m. - 3:20 p.m.

Interpreter: Yes

At the hearing the Court made the following rulings:

Pretrial conference held. Counsel failed to appear for Defendants Regino Garcia, Pedro Arizola and Diego Cavazos.

Motion for Disclosure of Impeaching Information by Sergio Perez [Doc. #188] is GRANTED in accordance with the record in open court.

Motion in Limine by Sergio Perez [Doc. #189] is GRANTED in accordance with the record in open court.

Motion to Adopt Motions of Other Defendants by Sergio Perez [Doc. #191] is GRANTED in accordance with the record in open court.

Motion to Adopt Motions of Other Defendants by Rigoberto Rodriguez [Doc. #192] is GRANTED in accordance with the record in open court.

Motion to Suppress Search [Doc. #193] is MOOT in accordance with the record in open court.

Motion to Suppress Oral Statements [Doc. #194] is MOOT in accordance with the record in open court.

Motion for Disclosure by Rigoberto Rodriguez [Doc. #195] is GRANTED in accordance with the record in open court.

Motion in Limine by Rigoberto Rodriguez [Doc. #196] is HELD in accordance with the record in open court.

Motion for Identification of Informant by Rigoberto Rodriguez [Doc. #197] is GRANTED in accordance with the record in open court.

Motion for Exculpatory Evidence by Rigoberto Rodriguez [Doc. #198] is GRANTED in accordance with the record in open court.

Motion for List of Witnesses by Rigoberto Rodriguez [Doc. #199] is GRANTED in accordance with the record in open court.

Motion for Disclosure by Rigoberto Rodriguez [Doc. #200] is GRANTED in accordance with the record in open court.

Motion for Disclosure by Rigoberto Rodriguez [Doc. #201] is GRANTED in accordance with the record in open court.

Motion in Limine by Robert Canseco [Doc. #202] is GRANTED in accordance with the record in open court.

Motion for Disclosure of Impeaching Information by Robert Canseco [Doc. #203] is GRANTED in accordance with the record in open court.

Motion to Permit Late Filing of Motions With Authorities by Rene Garza [Doc. #205] is GRANTED in accordance with the record in open court.

Motion to Adopt Motions of Other Defendants by Rene Garza [Doc. #206] is GRANTED in accordance with the record in open court.

Motion for Discovery of Records Or Reports Relating Facts or Data Underlying Expert Opinions and Incorporated Memorandum of Law by Rene Garza [Doc. #207] is GRANTED in accordance with the record in open court. Government's reports due **September 21, 2007.**

Motion for Discovery and Inspection by Rene Garza [Doc. #208] is GRANTED in accordance with the record in open court.

Motion Request for Notice of Extrinsic Acts by Rene Garza [Doc. #209] is GRANTED in accordance with the record in open court.

Motion to Require the Government to Reveal Any Agreement Entered Into Between The Government And Any Prosecution Witness That Could Conceivably Influence Their Testimony with Authorities by Rene Garza [Doc. #210] is GRANTED in accordance with the record in open court.

Amended Motion for Discovery and Inspection by Rene Garza [Doc. #211] is GRANTED in accordance with the record in open court.

Motion for Brady Materials by Rene Garza [Doc. #212] is GRANTED in accordance with the record in open court.

Motion for Discovery by Rene Garza [Doc. #213] is GRANTED in accordance with the record in open court.

Motion to Substitute Attorney Paul Wesley Cordova as attorney of record for Defendant David Flores, and discharging Antonio Balderas Jr. by David Flores [Doc. #214] is GRANTED in accordance with the record in open court.

First Motion to Adopt Motions of Other Defendants by Jerome Bell [Doc. #216] is GRANTED in accordance with the record in open court.

Unopposed Motion for Extension of Time to File Response/Reply and Motions by USA [Doc. #217] is GRANTED in accordance with the record in open court.

Unopposed Motion to Substitute Attorney Erik R Sunde *for Lee Wilson* by Gabriel Ponce [Doc. #218] is GRANTED in accordance with the record in open court.

Motion for Reciprocal Discovery by USA [Doc. #221] is GRANTED in accordance with the record in open court.

Motion to Revoke Detention Order or Reopen Detention Hearing by Frederick Tippet [Doc. #224] is held in abeyance in accordance with the record in open court.

Defendants Frederick Tippet, Gabriel Ponce, Joe Herrera and Benjamin Rosales' Oral Motions for Discovery, Rule 404(b) disclosures and *Jencks* material are GRANTED in accordance with the record in open court.

Defendant David Flores Oral Motion for Discovery, Rule 404(b) disclosures and *Jencks* material is GRANTED in accordance with the record in open court.


Government's Preliminary Rule 404(b) material due **August 25, 2007**, Final Rule 404(b) disclosures due **September 14, 2007**.

Government's expert disclosures and reports due **September 21, 2007**.

Final Motion deadline is **August 3, 2007**.

Trial remains set for **October 18, 2007**. See Minutes from hearing on May 21, 2007 for other deadlines.

SIGNED at Houston, Texas this 25th day of July, 2007.



Nancy F. Atlas
United States District Judge